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May 27, 2022

VIA ECF

The Honorable Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 10007
New York, NY 10007

Re: *Mercer Health & Benefits LLC v. William J. Brown et al.*;
Case No. 22-cv-3844, **Request for Extension of Expedited Discovery
Schedule and Deadline for Responding to Complaint, and for
Adjournment of Preliminary Injunction Hearing**

Dear Judge Gardephe:

This firm, together with Herskowitz Shapiro LLP, represents Defendants in the above-captioned action. The undersigned is principal trial counsel for Defendants.

On May 25, 2022, the Court entered a Temporary Restraining Order (the “TRO”). (Doc. No. 50.) On behalf of Defendant, and with the consent of counsel for plaintiff Mercer Health & Benefits LLC (“Plaintiff”), I write pursuant to Your Honor’s Individual Rules of Practice for Civil Cases I(D-E) to request (i) an adjournment of the preliminary injunction hearing that is scheduled “on June 17, 2022 at 9:30 a.m., or as soon thereafter as counsel may be heard” (the “PI Hearing”), and (ii) an extension of the time for (a) Defendants to respond to the Complaint, (b) the parties to seek and complete expedited discovery, and (c) the service of answering briefs and affidavits and reply briefs and affidavits, if any, in connection with Plaintiff’s motion for a preliminary injunction. (*See* TRO at pp. 2, 4.)

I will be out of the country for a long-planned and paid family vacation from June 8-18. For that reason, Defendants respectfully request – with Plaintiff’s consent – an adjournment of the PI Hearing from June 17, 2022 at 9:30 a.m., or as soon thereafter as counsel may be heard, to June 24, 2022 at 9:30 a.m., or as soon thereafter as counsel may be heard.

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For that same reason, Defendants respectfully request – with Plaintiff’s consent – an extension of (i) the deadline for Defendants’ to respond to the Complaint from June 2, 2022 to June 16, 2022, (ii) the expedited discovery period permitted between May 25, 2022 and June 14, 2022, to between May 25, 2022 and June 21, 2022, (iii) the deadline for serving answering briefs and affidavits from no later than 5:00 p.m. on June 15, 2022 to no later than 5:00 p.m. on June 16, 2022, and (iv) the deadline for serving reply briefs and affidavits, if any, from no later than 5:00 p.m. on June 16, 2022, to no later than June 17, 2022 at 5:00 p.m.

Pursuant to Fed. R. Civ. P. 65, Defendants have agreed to consent to an extension of the TRO through the completion of the PI Hearing.

No prior requests for extensions of time or adjournments have been made.

We thank the Court for its attention to this matter.

Respectfully submitted,

GOLENBOCK EISEMAN ASSOR BELL
& PESKOE LLP

/s/ S. Preston Ricardo
S. Preston Ricardo

cc: Counsel of Record (via ECF)

Memo Endorsement: The Court is not available for a preliminary injunction hearing on June 24, 2022. By **June 1, 2022**, Defendants will submit a letter indicating whether both sides are available for a preliminary injunction hearing at 9:30 a.m. on June 27, 2022 and, if so, whether Defendants consent to an extension of the temporary restraining order through completion of the preliminary injunction hearing on June 27, 2022.

SO ORDERED.



Paul G. Gardephe
United States District Judge
Dated: May 31, 2022